

ESTTA Tracking number: **ESTTA125673**

Filing date: **02/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	78389392
Applicant	Masonite International Corporation
Applied for Mark	CAVALIER
Correspondence Address	Joseph W. Berenato, III Liniak, Berenato & White, LLC 6550 Rock Spring Drive Suite 240 Bethesda, MD 20817 UNITED STATES
Submission	Applicants Request for Remand and Amendment
Attachments	CAVALIER.mtn_20070220073427.pdf ( 4 pages )(181421 bytes ) CAVALIER.mtn.ex_20070220073307.pdf ( 60 pages )(2670999 bytes )
Filer's Name	William C. Schrot
Filer's e-mail	wschrot@bwsiplaw.com
Signature	/William C. Schrot/
Date	02/20/2007

**TRADEMARK TRIAL & APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No. 78/389,392	:	Examining Attorney:	Josette M. Beverly
Filed: March 23, 2004	:	Atty Dkt:	26240.325
Mark: CAVALIER	:		

**REQUEST TO SUSPEND AND REMAND FOR ADDITIONAL EVIDENCE**

Trademark Trial and Appeal Board  
Trademark Assistance Center  
Madison East, Concourse Level Room C 55  
600 Dulany Street  
Alexandria, VA 22314

Dear Sir:

Applicant requests that the Board suspend the above-captioned appeal and remand the application for further examination pursuant to 37 C.F.R. 2.142(d).

Applicant filed a Notice of Appeal on February 28, 2006 appealing the Final Refusal dated August 31, 2005. Applicant filed its Appeal Brief in support thereof on April 13, 2006. In response, the Examining Attorney objected to some of the evidence submitted by Applicant as being untimely. Specifically, the Examining Attorney objects to Applicant's Appendix pages 12-27 and 33-71. Appendix pages 12-27 and 33-76 are attached hereto. (Appendix Pages 72-76 were submitted in Applicant's Reply).

Applicant submits that at least with respect to Appendix pages 67-71 and 74-76, the evidence could not have been submitted before appeal. This evidence relates to Applicant's co-pending application for the mark CAPE COD, which was approved for publication on March 8, 2006, after Applicant had already filed its Notice of Appeal.

Moreover, that application was published for opposition May 9, 2006, after Applicant had already filed its Appeal Brief. In the present appeal, the owner of the cited registration also owns a registration for the mark CAPE COD, which lists goods virtually identical to those listed in its CAVALIER registration.

Applicant submits that evidence relating to the CAPE COD marks is relevant in the present application because the same parties are at issue, and are using identical marks for goods corresponding to those at issue in the present application. However, the goods are sufficiently different such that no confusion was deemed likely by the Examining Attorney examining Applicant's CAPE COD application, and no opposition was filed during publication of that mark. Such evidence was not available until after Applicant's CAPE COD mark was approved for publication, and subsequently published without any opposition being filed. These events occurred after Applicant filed its appeal in the present application. Therefore, Applicant submits that Appendix pages 67-71 and 74-76 could not have been submitted to the Examining Attorney until after its appeal was filed.

With respect to evidence submitted at Appendix pages 12-27 and 33-66, Applicant provided evidence identified following an updated search. Such evidence was not provided earlier because it was Applicant's understanding such submissions were not necessary to place the application in condition for publication. Following the Examining Attorney's Final Refusal, Applicant submitted a Request for Reconsideration on December 23, 2005. However, prior to filing this request, counsel for Applicant and the Examining Attorney discussed proposed amendments to the identification of goods during a telephone interview. Applicant proposed amending the identification of goods

to specifically provide for 'non-metal doors made from wood composite and solid wood components, and not including railings, guardrails and handrails.' The Examining Attorney suggested submitting the proposed amendments in the remarks for consideration. While Applicant may have misunderstood the Examining Attorney's intent during the telephone interview, Applicant believed that the proposed amendment would overcome the refusal. As such, Applicant did not develop the evidence provided at Appendix pages 12-27 and 33-66 at that time. Instead, Applicant requested that the refusal be withdrawn and the application be amended by Examiner's Amendment in light of the Examining Attorney's suggestion. In addition, Applicant stated that if the amendment did not overcome the refusal, "Alternatively, Applicant can submit a supplemental response." Additional evidence would then have been submitted.

In response to Applicant's proposal, the Examining Attorney denied Applicant's request for reconsideration by Office Action dated February 28, 2006. Upon receipt of the Examining Attorney's communication, Applicant filed its Notice of Appeal that same day.

This matter was previously scheduled for an oral hearing on February 14, 2007. That hearing was canceled in light of the inclement weather. Upon further consideration of the Examining Attorney's objections to some of the evidence, Applicant believes that full consideration of all evidence by the Examining Attorney would be beneficial, and would hopefully conclude prosecution of this application. Therefore, Applicant respectfully requests that this appeal be suspended, and that the application be remanded to the Examining Attorney for consideration of all evidence objected to.

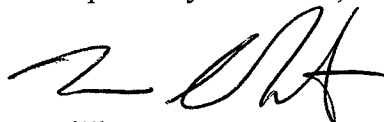
The undersigned sent the Examining Attorney an email requesting her consent to such a suspension and remand on February 14, 2007, but has not yet received a response. However, Applicant submits this request now in an effort to avoid an unnecessary oral hearing should the Board grant this request.

In light of the above, Applicant submits that there is good cause for suspending this appeal, and remanding this application to the Examining Attorney for consideration of all evidence.

At least with respect to evidence at Appendix pages 67-71 and 74-76, such evidence was not previously available. With respect to evidence at Appendix pages 12-27 and 33-66, Applicant submits that the explanation herein constitutes a showing of good cause for remand. Moreover, should the Board agree that remand is appropriate, it will be efficient for the Examining Attorney to consider all evidence objected to.

Should any additional information be required, please contact the undersigned at (301) 896-0600, or by email at [wschrot@bwsiplaw.com](mailto:wschrot@bwsiplaw.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Schrot', is written over the typed name.

William C. Schrot

**Berenato, White & Stavish, LLC**  
6550 Rock Spring Drive, Ste. 240  
Bethesda, MD 20817  
Telephone: (301) 896-0600  
Facsimile: (301) 896-0607

**TRADEMARK TRIAL & APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No.	78/389,392	:	Examining Attorney: Josette M. Beverly
Filed:	March 23, 2004	:	Atty Dkt: 26240.325
Mark:	CAVALIER		

# EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-03-09 14:53:19 ET

**Serial Number:** 75708925

**Registration Number:** 2416524

**Mark (words only):** CAVALIER STONE

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2000-12-26

**Filing Date:** 1999-05-17

**Transformed into a National Application:** No

**Registration Date:** 2000-12-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2004-11-18

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Kirby, Rick

**Address:**

Kirby, Rick  
460 W.G. Talley Road  
Alvaton, KY 42122  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** United States

---

#### GOODS AND/OR SERVICES

---

**International Class:** 019

Masonry products, namely, concrete material cast to resemble field rock

APPENDIX 13

**First Use Date:** 1996-09-15

**First Use in Commerce Date:** 1996-09-15

**Basis:** 1(a)

---

### ADDITIONAL INFORMATION

---

**Disclaimer:** "STONE"

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

2005-11-04 - TEAS Change of Correspondence Received

2000-12-26 - Registered - Principal Register

2000-10-13 - Allowed for Registration - Principal Register (SOU accepted)

2000-08-31 - Case file assigned to examining attorney

2000-08-29 - Statement of use processing complete

2000-07-03 - Amendment to Use filed

2000-04-11 - Notice of allowance - mailed

2000-01-18 - Published for opposition

1999-12-17 - Notice of publication

1999-10-08 - Approved for Pub - Principal Register (Initial exam)

1999-10-04 - Examiner's amendment mailed

1999-09-21 - Examiner's amendment mailed

1999-09-14 - Case file assigned to examining attorney

---

### CORRESPONDENCE INFORMATION

---

**Correspondent**

LAURA M HAGAN (Attorney of record)

Laura M. Hagan

Kerrick, Stivers & Coyle, P.L.C.

APPENDIX 14



1025 State Street  
Bowling Green KY 42101

**Phone Number:** 270-782-8160

**Fax Number:** 270-782-5856

---

amazon.com

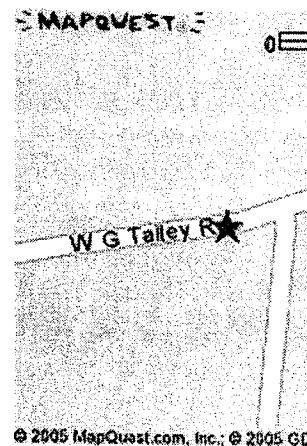
Your  
StoreYellow  
PagesSee All 32  
Product CategoriesYour Account |  Cart | Wish List | Help | [Browse Categories](#) | [Government Listings](#) | [Movie Showtimes](#)

Search: Yellow Pages

In: Alvaton, KY

e.g. pizza, plumber, theatre Full Address, or just City & State, or just Zip [Help](#)**BUSINESS  
INFORMATION****Explore this  
business**[business info](#)**Share your  
thoughts**[write a review](#)[write a \*So You'd  
Like to...\* guide](#)[e-mail a friend  
about this  
business](#)**RATE THIS ITEM**[Sign in to rate this item](#)**Listmania!****So You'd Like to...****So You'd Like to...**[create  
your guide  
\*\*NOW\*\*  
learn how](#)[Home & Garden](#) > [Contractors](#) > [All Contractors](#)[Shopping](#) > [Home Improvement & Building](#) > [Builders &  
Contractors](#)[See All Categories](#)

Talk to t

**Cavalier Stone Products**460 W G Talley Rd, Alvaton, KY 42122-9663 - [Map](#)(270) 843-1158 - [Click to Call](#)No image  
available[Share your own customer images](#)

© 2005 MapQuest.com, Inc.; © 2005 GD

[Interactive Map and Direr](#)**Business Details:****ASIN**

B00048L37M

**Phone Numbers**

(270) 843-1158

**Address**460 W G Talley Rd  
Alvaton, KY 42122-9663**Help improve the listing for Cavalier Stone  
Products**

- [Share pictures of this business](#) (e.g. exteriors, interiors, signage, etc.)
- [Tell us more about this business](#), update/correct name, contact information, services, and other details.

**Attenti  
Owner:  
& Cust  
Update  
Cavalier  
Product**

APPENDIX 16

[Opt Out Information](#)[Update](#)**Sponsored Links:****Kentucky home builder**Award-winning luxury **home** builder based in Lexington, Kentucky  
[www.jimmynashhomes.com](http://www.jimmynashhomes.com)**Local Contractors**The Right Contractor. The Right Price. Right Now.  
[ReliableRemodeler.com](http://ReliableRemodeler.com)**Home Improvement**View a Local Contractor Directory & Start a **Home Improvement** Project.  
[www.1800Contractor.com](http://www.1800Contractor.com)**Customer Reviews****Be the first person to review this [item](#).****Where's My Stuff?**

- Track your [recent orders](#).
- View or change your orders in [Your Account](#).

**Shipping & Returns**

- See our [shipping rates & policies](#).
- [Return](#) an item (here's our [Returns Policy](#)).

**Need Help?**

- Forgot your password? [Click here](#).
- [Redeem](#) or [buy](#) a gift certificate.
- [Visit our Help department](#).

Search [Amazon.com](#)

for

[Amazon.com Home](#) | [Directory of All Stores](#)Our International Sites: [Canada](#) | [United Kingdom](#) | [Germany](#) | [Japan](#) | [France](#) | [China](#)[Help](#) | [Shopping Cart](#) | [Your Account](#) | [Sell Items](#) | [1-Click Settings](#)[Investor Relations](#) | [Press Room](#) | [Careers](#)[Conditions of Use](#) | [Privacy Notice](#) © 1996-2006, Amazon.com, Inc. or its affiliates

Some data provided by Acxiom, © 2005

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-03-09 14:53:48 ET**

**Serial Number:** 75691873

**Registration Number:** 2343290

**Mark (words only):** CAVALIER HOMES OF ALABAMA

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2000-04-18

**Filing Date:** 1999-04-26

**Transformed into a National Application:** No

**Registration Date:** 2000-04-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2000-04-24

---

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Cavalier Homes, Inc.

**Address:**

Cavalier Homes, Inc.  
Highway 41 North and Cavalier Road  
Addison, AL 35540  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

#### **GOODS AND/OR SERVICES**

---

**International Class:** 019

Manufactured housing in the nature of mobile homes

APPENDIX 18

**First Use Date:** 1984-11-30

**First Use in Commerce Date:** 1984-11-30

**Basis:** 1(a)

**International Class:** 035

Retail dealership services in the field of manufactured homes

**First Use Date:** 1984-11-30

**First Use in Commerce Date:** 1984-11-30

**Basis:** 1(a)

---

#### ADDITIONAL INFORMATION

---

**Disclaimer:** "HOMES OF ALABAMA"

---

---

#### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

---

#### PROSECUTION HISTORY

---

2002-09-24 - TEAS Change of Correspondence Received

2000-04-18 - Registered - Principal Register

2000-01-25 - Published for opposition

1999-12-23 - Notice of publication

1999-09-24 - Approved for Pub - Principal Register (Initial exam)

1999-09-21 - Unresponsive/Duplicate Paper Received

1999-08-31 - Examiner's amendment mailed

1999-08-27 - Case file assigned to examining attorney

---

---

#### CORRESPONDENCE INFORMATION

---

**Correspondent**

Michael S. Denniston (Attorney of record)

Lakeysucha Adams

Bradley Arant Rose & White LLP

1819 Fifth Avenue North

Birmingham AL 35203

**Phone Number:** 205 521-8363

**Fax Number:** 205 488 6363

---

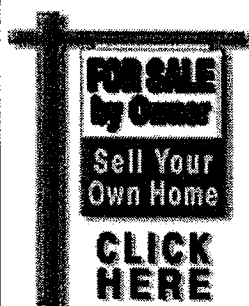


## CAVALIER HOMES OF ALA HISTORY

### HOMES FOR SALE

[HOMES FOR SALE](#)  
[LAND / HOME SALES](#)  
[NEW HOME SPECIALS](#)

### OUR SERVICES



[TESTIMONIALS](#)

### CUSTOMER ACCOUNTS

[HOME LOCATOR](#)  
[HOME LOAN FINDER](#)  
[INSURANCE FINDER](#)  
[TRANSPORT FINDER](#)

[COMMUNITIES](#)  
[DEALERS](#)  
[SERVICE PROVIDERS](#)  
[HOME PRODUCTS](#)  
[MANUFACTURERS](#)  
[REGULATORY INFO](#)  
[BOOK VALUE REPORTS](#)

[MINI-PUTT GOLF FUN](#)  
[ADVERTISE WITH US](#)  
[CONTACT US](#)

### AFFILIATE LOGON

## CAVALIER HOMES OF ALABAMA

- Cavalier Homes of Alabama's first manufactured home was produced in 1984. It all started in Addison Alabama under the leadership of the late Jerry Wilson.
- Cavalier Homes of Alabama is the flag-ship of Cavalier Homes, Inc., the parent company. Cavalier is publicly owned and its stock is traded on the New York Stock Exchange under the symbol CAV.
- Cavalier Homes of Alabama's traditional manufactured home market has been the Southeastern part of the US. Selling products and services to hundreds of independently owned retail sales centers, which are not an agent of Cavalier Homes of Alabama, throughout that region.

**Send Facts & History on Home Manufacturers**

### THE F

[American](#)  
[Astro Hor](#)  
[Bellcrest](#)  
[Belmont I](#)  
[Brigadier](#)  
[Buccanes](#)  
[Cavalier I](#)  
[Cavalier I](#)  
[Alabama](#)  
[Cavco In](#)  
[Champion](#)

[Crystal V.](#)  
[Destiny I](#)  
[Dickman](#)  
[Energym](#)  
[Fleetwoo](#)  
[Homes O](#)  
[Heritage](#)  
[Homeste](#)  
[Liberty H](#)  
[Lincoln P](#)  
[Mansion](#)  
[Oak Cree](#)  
[Palm Har](#)  
[Patriot H](#)  
[Patriot H](#)  
[Patriot H](#)  
[Peach St](#)  
[Pinnacle](#)  
[Rivercha](#)  
[Schult H](#)  
[Southern](#)  
[Southridg](#)  
[Spirit Hor](#)  
[Town & C](#)  
[Victorian](#)

### MANU

[RANKING](#)  
[MANUFA](#)  
[FACTOR](#)  
[TRADEN](#)  
[HOME IC](#)  
[BUILDEF](#)  
[HOME V.](#)  
[RELATEI](#)  
[PRESS F](#)

### BOOK STORE

[MODULAR HOMES](#)  
[a Buyers Guide for Facts](#)  
[and Savings](#)

[FIX-IT GUIDE](#)  
[Step-by-Step Instructions](#)  
[for Repair and Maint.](#)

[HOW TO BUY](#)  
[a Manufactured Home and](#)  
[Save Thousands.](#)

[BUYER'S GUIDE](#)  
[to Mfg Homes & Land.](#)

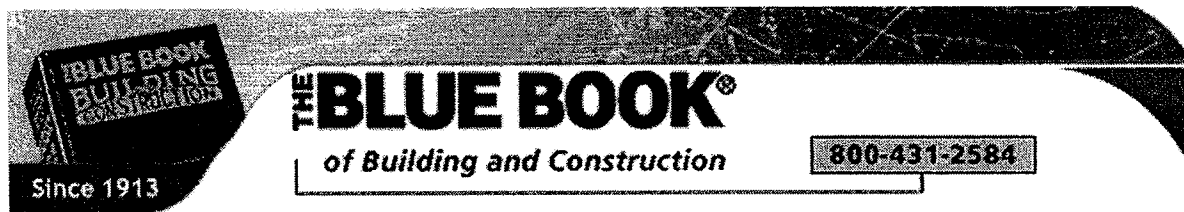
[COMPARISON GUIDE](#)  
[of 50 Major Builders](#)

**TRADEMARK TRIAL & APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No.	78/389,392	:	Examining Attorney: Josette M. Beverly
Filed:	March 23, 2004	:	Atty Dkt: 26240.325
Mark:	CAVALIER		

# EXHIBIT C





## Fences

### Cavalier Steel & Fence Co.

Darby, Pennsylvania  
Tel#: 800-505-9300 Fax#: 610-237-9906



Click the Links Above

**Geographical Areas Serviced:** Pennsylvania, New Jersey, Delaware

**Major Brands Installed:** Merchants Metals, Linear, B&B, DoorKing, Hy-Security, Guardsman, Ornamental Steel, SPECRAIL Aluminum, Tymetal Gate Systems, Steel Guard, Rail, Rental Panels

**Cavalier Steel & Fence Co. can also be seen under the following Blue Book Classifications:**

- ✓ Fences
- ✓ Gates & Gate Operators
- ✓ Guardrail Contractors & Manufacturers

If you are searching for any of the following construction terms: **Fences, Barbed Wire Fence, Chain Link Fences, Concrete Fence, Fences - Temporary Fencing, Gates - Iron & Wire, Gates - Sliding-Automatic Controls, Plastic Netting & Mesh, Portable Fence, Razor Ribbon, Safety Fencing, Temporary Fencing, Vinyl Fencing, Wind Screens, Wire Fences, Wood Fences, Wrought Ironwork.** you can find them in The Blue Book of Building and Construction. Search over 1,000,000 commercial construction listings from all over the U.S., select your region and click "**Show Companies**".




1) Show me Fences from:

2)

*The Blue Book of Building and Construction* is the Industry's leading source of regional, categorized construction information. *The Blue Book* features over 1,000,000 company listings (including Fences) with over 50,000 display ads and company profiles. Inside you will find company listings for: **General Contractors, Sub Contractors, Suppliers, Equipment Dealers, Manufacturers, Distributors, Architects and Engineers.**

[Current Advertisers by State](#) | [Advertising Information](#) | [Request a FREE Blue Book](#) | [Request a FREE Listing](#)

**Contractors Register, Inc.**  
Jefferson Valley, NY 10535  
(800) 431-2584 Fax: (914) 243-0287  
[www.thebluebook.com](http://www.thebluebook.com)  
email: [info@thebluebook.com](mailto:info@thebluebook.com)  
Copyright © 2006 Contractors Register, Inc.

[Home](#) | [Browse Categories](#) | [CAD Drawings](#) | [Product News](#) | [Promote Your Business](#)[Home](#) > [Previous Page](#) > [Company Profile](#)➤ **Tell your suppliers you found them on ThomasNet** [Save to MyThomas](#) [E-mail to Colleague](#) [Printer friendly version](#)**Company Profile****Cavalier Fence Co.**

940 Cedar Ave.

Darby, PA 19023

**Phone:** 610-237-9911, 800-505-9300 (toll free)**Fax:** 610-237-9906***Fences: Iron & Steel Information*****Iron**, installation; Service**Company Information**

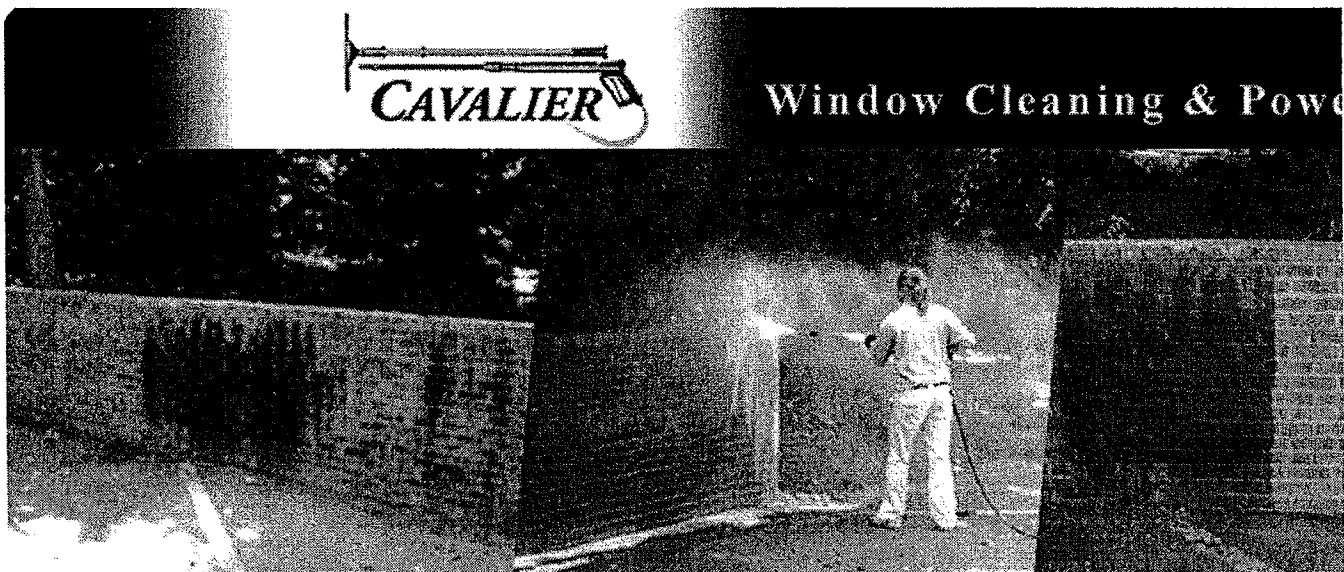
Fence Installation Service

**Employees:** 10-49**Activity:** Service Company**Year Company Founded:** 1960[Send ThomasNet your feedback](#)

If you have different information about this company or were unable to contact them let us know.

 **[Back to top](#)**[Resources](#) | [Advertising & Web Services](#) | [About ThomasNet](#) | [Press Room](#) | [Featured Companies Sitemap](#) | [Featured Categories Sitemap](#)  
[FAQs](#) | [Careers](#) | [Submit Your Site](#) | [Provide Feedback](#) | [Terms and Conditions](#) | [Privacy Policy](#) | [Link to ThomasNet](#)[Home](#) | [Browse Categories](#) | [CAD Drawings](#) | [Product News](#) | [Promote Your Business](#) | [Contact ThomasNet](#)[Login to MyThomas](#) | [Sign-Up for MyThomas](#)

© 2006 Thomas Publishing Company. All rights reserved. Last Modified March 14, 2006.



## POWERWASHING

[Click here to see some pictures of previous jobs](#)

- Home
- Window Cleaning
- Powerwashing
- Construction Clean-up
- Other Services
- Contact Cavalier

### *Complete & Reliable Powerwashing Services*

- » Thorough, full service, high pressure power washing by skilled, experienced profess
- » Quality attention to your special details

### *Specializing in these Services:*

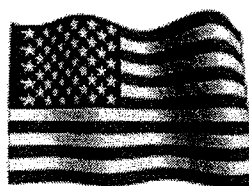
- » Home Exterior - siding, vinyl, brick, wood, masonite, painted surfaces
- » Flat Surfaces - concrete, brick, stone, wood decks, patios, porches, railings, fences
- » Awnings & Storefronts, Basements & Garages
- » Mold & Mildew removal

Copyright Cavalier Window Cleaning & Powerwashing Inc. 2005

# CAVALIER WALL LINER

02-14-2006 03:00 PM

Home	Decorative Pillows	Wallliner™ Liner paper	Wallpaper - Wallcoverings	Wallpaper Murals
Contact				
Products				
Wallpaper Estimation				
Shipping Information				
Terms of Use				
Links				

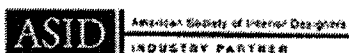
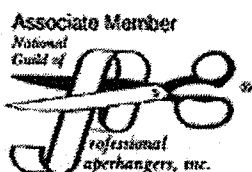


SEARCH SITE

Search

CAVALIER WALL LINER is a service company dedicated to providing quality materials, best prices, and services to the trade and the do-it-yourself consumers. Our product range includes wall liner, also known as liner paper or blankstock, non woven wall liner, also known as bridging material, paintable canvas wall liner, natural fiber grass cloth, non woven textured and hand crafted metallic wallcoverings, wall murals, wallpaper borders, paper and vinyl wallpapers. The company is owned and operated by Edward and Greta ..... who have been involved in the wallpaper industry for more than 30 years.

The use of wallpaper is well known, so we would like to take this opportunity to give you the reasons for our wall liner and non woven wall liner. Wall liner is a requirement for many wallcoverings. Its main purpose is to absorb excess moisture from the finish wall covering and control the expansion and contraction process of the finish wallpaper during the drying process. Non woven wall liner is designed to smooth rough surfaces for the ultimate application of wallpaper or paint. Surfaces it was designed to cover include brick, wood paneling, laminate, ceramic tile, cement block, stucco, textured, and damaged walls.



APPENDIX 26

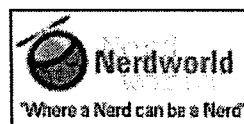


Please visit our "[Why Liner?](#)" section where you will find additional valuable information about wall liner, known as lining paper or blankstock to the trade, written by Jim Parodi, a master paperhanger. Our "[Why Bridging Material?](#)" section, written by Rebecca Schunck, contains basic installation instruction, tips, and guidelines for our non woven wall liner. We also we have a link to [Robert M. Kelly's book](#) about wallpaper installation. This may be your most important investment if you are serious about learning about wallcoverings, or becoming a better wallpaper installer.

---

## Mission Statement

We strive to provide the dedicated craftsperson with quality products, fair prices, and prompt, courteous service. To this end, our approach is full time service from order to shipping, in the most efficient manner possible. We hope to receive and produce quality feedback throughout the order process to keep the Muraler informed of the entire process. Our motto is "Quality at the right price", and we endeavor to achieve this result. Most orders ship the same day from our warehouse, and each order receives our personalized attention, regardless of it's size. We do business the old fashioned way, updated to suit the latest in technology. We hope our e-commerce solution is your answer for a better and more productive way of business.



[Home](#) | [Contact](#) | [Products](#) | [Wallpaper Estimation](#) | [Shipping Information](#) | [Terms of Use](#) | [Link](#)

**TRADEMARK TRIAL & APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:		
Masonite Holdings, Inc.	:	Law Office:	112
Serial No.	78/389,392	:	Examining Attorney: Josette M. Beverly
Filed:	March 23, 2004	:	Atty Dkt: 26240.325
Mark:	CAVALIER		

# EXHIBIT E



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	DEFENDER
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic <b>railings</b> , guard rails, handrails and banisters for exterior and interior use for buildings. FIRST USE: 20020101. FIRST USE IN COMMERCE: 20020101
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360336
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 5, 2002
Registration Number	2680449
Registration Date	January 28, 2003
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SERIES" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [SEARCH OG](#) [TOP](#) [HELP](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-03-09 15:58:20 ET

**Serial Number:** 76345636 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark (words only):** DEFENDER

**Standard Character claim:** No

**Current Status:** Abandoned: No Statement of Use filed after Notice of Allowance was issued.

**Date of Status:** 2005-10-23

**Filing Date:** 2001-12-04

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2004-10-26

---

#### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. The Ideal Group

**Address:**

The Ideal Group  
2555 Clark St.  
Detroit, MI 482091355  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Michigan

---

#### GOODS AND/OR SERVICES

---

**International Class:** 006

METAL GUARD RAILS

APPENDIX 35



**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**Basis:** 1(b)

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2005-12-28 - Abandonment Notice Mailed - No Use Statement Filed

2005-12-28 - Abandonment - No use statement filed

2005-08-11 - TEAS Change of Correspondence Received

2005-04-11 - Extension 5 granted

2005-04-11 - Extension 5 filed

2005-04-11 - TEAS Extension Received

2004-10-27 - Extension 4 granted

2004-10-14 - Extension 4 filed

2004-10-14 - TEAS Extension Received

2004-04-28 - Extension 3 granted

2004-04-19 - Extension 3 filed

2004-04-23 - Case File in TICRS

2004-04-19 - TEAS Extension Received

2003-10-29 - Extension 2 granted

2003-10-22 - Extension 2 filed

2003-10-22 - TEAS Extension Received

2003-05-19 - Extension 1 granted

2003-04-16 - Extension 1 filed  
2003-04-16 - TEAS Extension Received  
2002-10-22 - Notice of allowance - mailed  
2002-07-30 - Published for opposition  
2002-07-10 - Notice of publication  
2002-05-17 - Approved for Pub - Principal Register (Initial exam)  
2002-03-13 - Communication received from applicant  
2002-03-13 - PAPER RECEIVED  
2002-02-27 - Non-final action mailed  
2002-02-22 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

John G. Posa (Attorney of record)

John G. Posa  
Gifford, Krass, Groh, Sprinkle, Anderson  
P.O. Box 7021  
2701 Troy Center Drive, Suite 330  
Troy MI 48007-7021  
**Phone Number:** (248) 647-6000  
**Fax Number:** (248) 647-5210

---



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

Word Mark	GUARDIAN
Goods and Services	IC 019. US 001 012 033 050. G & S: NON-METAL <b>RAILINGS</b> , GUARD RAILS, HAND RAILS AND BANISTERS FOR USE IN BUILDINGS. FIRST USE: 19981007. FIRST USE IN COMMERCE: 19981007
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	75808027
Filing Date	September 27, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 20, 2000
Registration Number	2385507
Registration Date	September 12, 2000
Owner	(REGISTRANT) Stanley, Larry S. DBA Avcon CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you.

 List At:  OR  to record: **Record 11 out of 38**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

*( Use the "Back" button of the Internet Browser to return to TESS)*

## Typed Drawing

<b>Word Mark</b>	<b>GUARDIAN</b>
<b>Goods and Services</b>	IC 019. US 001 012 033 050. G & S: FASTENERS FOR USE IN HOLDING DOWN ROOF SUPPORTED TERRACE BLOCKS. FIRST USE: 20020906. FIRST USE IN COMMERCE: 20020906
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76159109
<b>Filing Date</b>	November 3, 2000
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 19, 2002
<b>Registration Number</b>	2789197
<b>Registration Date</b>	December 2, 2003
<b>Owner</b>	(REGISTRANT) HANOVER ARCHITECTURAL PRODUCTS, INC. CORPORATION PENNSYLVANIA 240 BENDER ROAD HANOVER PENNSYLVANIA 17331
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Stanley B. Kita
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

APPENDIX 39

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you.

 List At:  OR  to record:  **Record 24 out of 38**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

<b>Word Mark</b>	GUARDIAN
<b>Goods and Services</b>	IC 019. US 012. G & S: nonmetal highway barriers. FIRST USE: 19940207. FIRST USE IN COMMERCE: 19940212
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	74480637
<b>Filing Date</b>	January 19, 1994
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	January 30, 1996
<b>Registration Number</b>	1969176
<b>Registration Date</b>	April 23, 1996
<b>Owner</b>	(REGISTRANT) YEW CORPORATION CORPORATION PENNSYLVANIA 24 West Main Street, Suite C Bloomsburg PENNSYLVANIA 17815  (LAST LISTED OWNER) ARMORCAST PRODUCTS COMPANY CORPORATION BY ASSIGNMENT CALIFORNIA 13230 SATICOY STREET SYDNEY CHASE NO. HOLLYWOOD CALIFORNIA 91605
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Arnold H. Krumholz
<b>Type of Mark</b>	TRADEMARK

APPENDIX 41

**Register** PRINCIPAL  
**Affidavit Text** SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

**United States Patent and Trademark Office**

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

**Trademarks > Trademark Electronic Search System(Tess)**

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you.

 List At:  OR  to record: **Record 36 out of 38**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)
**Typed Drawing**

<b>Word Mark</b>	<b>GUARDIAN</b>
<b>Goods and Services</b>	IC 019. US 012. G & S: Plywood. FIRST USE: 19630517. FIRST USE IN COMMERCE: 19630517
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	72171187
<b>Filing Date</b>	June 17, 1963
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0766986
<b>Registration Date</b>	March 24, 1964
<b>Owner</b>	(REGISTRANT) Simpson Timber Company CORPORATION WASHINGTON 2000 Washington Bldg. Seattle WASHINGTON
	(LAST LISTED OWNER) OLYMPIC PANEL PRODUCTS LLC LTD LIAB CO DELAWARE 204 E. RAILROAD AVE. SHELTON WASHINGTON 98584
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20040423.
<b>Renewal</b>	2ND RENEWAL 20040423
<b>Live/Dead</b>	LIVE

APPENDIX 43



## Indicator

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you. List At:  OR  to record: **Record 12 out of 51**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

**Word Mark** GUARDIAN SECURITY STORM DOORS  
**Goods and Services** IC 006. US 002 012 013 014 023 025 050. G & S: Metal Security Storm Doors. FIRST USE: 19900400. FIRST USE IN COMMERCE: 19900400  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 76507664  
**Filing Date** April 18, 2003  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** October 18, 2005  
**Registration Number** 3038888  
**Registration Date** January 10, 2006  
**Owner** (REGISTRANT) Guida, Inc CORPORATION PENNSYLVANIA 2106 S. 63rd Street Philadelphia PENNSYLVANIA 19142  
**Attorney of Record** Camille M. Miller  
**Prior Registrations** 2351398  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SECURITY STORM DOORS" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you. List At:  OR  to record: **Record 6 out of 7**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	HARBOR MASTER
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic railings, guardrails, handrails and banisters for use in and/or buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360330
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2002
Registration Number	2649265
Registration Date	November 12, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-03-09 16:26:18 ET**

**Serial Number:** 78299423

**Registration Number:** (NOT AVAILABLE)

**Mark (words only):** HARBORMASTER

**Standard Character claim:** No

**Current Status:** A request for the second extension of time to file a statement of use has been granted.

**Date of Status:** 2005-10-11

**Filing Date:** 2003-09-11

**The Notice of Allowance Date is:** 2004-10-12

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**Attorney Assigned:**  
KIM SOPHIA SUJIN Employee Location

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2004-10-12

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Eagle Window & Door, Inc.

**Address:**

Eagle Window & Door, Inc.  
P.O. Box 1072 2045 Kerper Boulevard  
Dubuque, IA 52004  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**Phone Number:** 248-594-0633

**Fax Number:** 248-594-0610

---

**GOODS AND/OR SERVICES**

---

**International Class:** 019

Insulated glass, impact resistant window glass and window glass

**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 1(b)

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2005-10-11 - Extension 2 granted

2005-10-11 - Extension 2 filed

2005-10-11 - TEAS Extension Received

2005-04-12 - Extension 1 granted

2005-04-12 - Extension 1 filed

2005-04-12 - TEAS Extension Received

2004-10-12 - Notice of allowance - mailed

2004-07-20 - Published for opposition

2004-06-30 - Notice of publication

2004-04-30 - Approved for Pub - Principal Register (Initial exam)

2004-04-23 - EXAMINERS AMENDMENT E-MAILED

2004-03-24 - Non-final action e-mailed

2004-03-20 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

APPENDIX 49

MICHAEL B STEWART (Attorney of record)

MICHAEL B STEWART  
RADER FISHMAN & GRAUER PLLC  
39533 WOODWARD AVE STE 140  
BLOOMFIELD HILLS MI 48304

**Phone Number:** 248-594-0633

**Fax Number:** 248-594-0610

---



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	MALIBU
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic <b>railings</b> , guardrails, handrails and banisters for exterior and interior use for buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360332
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2002
Registration Number	2649266
Registration Date	November 12, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At:  OR [Jump](#) to record:  **Record 3 out of 10**
[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

<b>Word Mark</b>	MALIBU
<b>Goods and Services</b>	IC 019. US 001 012 033 050. G & S: Vinyl windows, namely windows with frames made of vinyl. FIRST USE: 20010501. FIRST USE IN COMMERCE: 20010501
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76136166
<b>Filing Date</b>	September 27, 2000
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 22, 2001
<b>Registration Number</b>	2908935
<b>Registration Date</b>	December 7, 2004
<b>Owner</b>	(REGISTRANT) Anlin Industries, Inc. CORPORATION CALIFORNIA 1665 Tollhouse Rd. Clovis CALIFORNIA 93720
<b>Attorney of Record</b>	Michele A. Engnath
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

---

[\[.HOME\]](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you. List At:  OR  to record:  **Record 4 out of 10**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	MALIBU
Goods and Services	IC 019. US 001 012 033 050. G & S: ROOFING TILES SOLD TO ROOFING CONTRACTORS. FIRST USE: 19891030. FIRST USE IN COMMERCE: 19891122
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	75751611
Filing Date	July 16, 1999
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 2, 2001
Registration Number	2438102
Registration Date	March 27, 2001
Owner	(REGISTRANT) BURLINGAME INDUSTRIES, INC. CORPORATION CALIFORNIA 3546 North Riverside Avenue Rialto CALIFORNIA 92376
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Constantine Marantidis
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

[Start](#)

List At:

OR

[Jump](#)

to record:

**Record 5 out of 10**[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)

( Use the "Back" button of the Internet

Browser to return to TESS)

## Typed Drawing

Word Mark **MALIBU**

Goods and Services IC 019. US 012. G &amp; S: PVC fences. FIRST USE: 19920331. FIRST USE IN COMMERCE: 19920331

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 74290166

Filing Date June 29, 1992

Current Filing Basis 1A

Original Filing Basis 1A

Published for  
Opposition December 8, 1992Registration  
Number 1755339

Registration Date March 2, 1993

Owner (REGISTRANT) Nebraska Plastics, Inc. CORPORATION NEBRASKA P.O. Box 45 West Hwy 30 &amp; O STREETS Cozad NEBRASKA 69130

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030623.

Renewal 1ST RENEWAL 20030623

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)  
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)

( Use the "Back" button of the Internet

Browser to return to TESS)

## Typed Drawing

Word Mark	DAYTONA
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic railings, guardrails, handrails and banisters for exterior and interior use for buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360333
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2002
Registration Number	2649267
Registration Date	November 12, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System(Tess)**

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you. List At:  OR  to record: **Record 1 out of 2**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)**DAYTONA**

**Word Mark** DAYTONA  
**Goods and Services** IC 019. US 001 012 033 050. G & S: INTERLOCKING PLASTIC FLOOR TILES. FIRST USE: 20031215. FIRST USE IN COMMERCE: 20031215  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Design Search Code**  
**Serial Number** 78342310  
**Filing Date** December 17, 2003  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** September 21, 2004  
**Registration Number** 3009492  
**Registration Date** October 25, 2005  
**Owner** (REGISTRANT) CONNOR SPORT COURT INTERNATIONAL, INC. CORPORATION  
DELAWARE 939 SOUTH 300 WEST SALT LAKE CITY UTAH 84104  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Vaughn W. North  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL

APPENDIX 59



Live/Dead Indicator LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[\[.HOME\]](#) | [\[SITE INDEX\]](#) | [\[SEARCH\]](#) | [\[eBUSINESS\]](#) | [\[HELP\]](#) | [\[PRIVACY POLICY\]](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	CONTINENTAL
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic <b>railings</b> , guard rails, handrails and banisters for use in and on buildings. FIRST USE: 19991001. FIRST USE IN COMMERCE: 19991001
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360237
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2002
Registration Number	2649262
Registration Date	November 12, 2002
Owner	(REGISTRANT) American Vinyl Concpets, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Sat Apr 1 04:12:54 EST 2006

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSER DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) [ASSIGH Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## CONTINENTAL

<b>Word Mark</b>	CONTINENTAL
<b>Goods and Services</b>	IC 006. US 002 012 013 014 023 025 050. G & S: Prefabricated bridges and bridge components, constructed primarily of metal. FIRST USE: 19740000. FIRST USE IN COMMERCE: 19740000
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78527564
<b>Filing Date</b>	December 6, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 25, 2005
<b>Registration Number</b>	3046044
<b>Registration Date</b>	January 17, 2006
<b>Owner</b>	(REGISTRANT) Continental Bridge, Inc. CORPORATION DELAWARE 8301 State Highway 29 N Alexandria MINNESOTA 56308
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Rene M. LaForte
<b>Type of Mark</b>	TRADEMARK

APPENDIX 62

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICY	SEARCH OG	TOP	HELP
-----------	----------	------------	-----------	-------------	-----------	-----	------

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	SENTRY
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic <b>railings</b> , guard rails, handrails and banisters for use in and on buildings. FIRST USE: 20000101. FIRST USE IN COMMERCE: 20000101
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360239
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 1, 2002
Registration Number	2666200
Registration Date	December 24, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Trademarks > Trademark Electronic Search System(Tess)**

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

 Please logout when you are done to release system resources allocated for you. List At:  OR  to record: **Record 2 out of 14**

TARR Status	ASSIGN Status	TDR	TTAB Status
-------------	---------------	-----	-------------

 ( Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

<b>Word Mark</b>	SENTRY
<b>Goods and Services</b>	IC 006. US 002 012 013 014 023 025 050. G & S: Builders hardware made of metal, namely, hinges, cabinet catches, chain <b>door</b> guards, turn buttons, screen <b>door</b> pulls, screen <b>door</b> spring hinges, sash hook lifts, mending plates, corner braces, flat corner irons, magnetic catches, spring and chain <b>door</b> stops, safety hasps, t-hinges, strap hinges, screen and storm sash hangers, utility hinges, roller catches, and <b>door</b> protector chains. FIRST USE: 19690729. FIRST USE IN COMMERCE: 19690729
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76372300
<b>Filing Date</b>	February 8, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 24, 2002
<b>Registration Number</b>	2662958
<b>Registration Date</b>	December 17, 2002
<b>Owner</b>	(REGISTRANT) Distribution America, Inc. CORPORATION DELAWARE 2700 River Road Des Plaines ILLINOIS 60018
<b>Attorney of Record</b>	Louis M. Heidelberger, Thomas J. McWilliams, Todd A. Norton
<b>Prior Registrations</b>	0998209;1005486;AND OTHERS

APPENDIX 65

Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

---

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## Trademarks &gt; Trademark Electronic Search System(Tess)

TESS was last updated on Thu Mar 9 04:17:13 EST 2006

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

## Typed Drawing

Word Mark	CAPE COD
Goods and Services	IC 019. US 001 012 033 050. G & S: Non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings. FIRST USE: 19910401. FIRST USE IN COMMERCE: 19910401
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76360331
Filing Date	January 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 27, 2002
Registration Number	2651884
Registration Date	November 19, 2002
Owner	(REGISTRANT) American Vinyl Concepts, Inc. DBA AVCON CORPORATION NEW JERSEY 1451 Route 37 West Toms River NEW JERSEY 08755
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)





Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-03-09 15:31:41 ET

Serial Number: 78553761 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

CAPE COD

(words only): CAPE COD

Standard Character claim: Yes

**Current Status:** Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

**Date of Status:** 2006-03-08

**Filing Date:** 2005-01-25

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**Attorney Assigned:**  
CLARKE IDI A Employee Location

**Current Location:** L1X -TMEG Law Office 101 - Examining Attorney Assigned

**Date In Location:** 2006-03-08

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Masonite International Corporation

**Address:**

APPENDIX 69

Masonite International Corporation  
1600 Britannia Road East  
Mississauga L4W 1J2  
Canada

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Canada

**Phone Number:** (905) 670-6550

**Fax Number:** (905) 670-6520

---

### GOODS AND/OR SERVICES

---

**International Class:** 006

Metal doors

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**Basis:** 1(b)

**International Class:** 019

Non-metal doors; door lites, side lites, transom lites in the nature of glass and plastic panels for doors and door areas; decorative glass for building

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**Basis:** 1(b)

---

### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

2006-03-08 - Approved for Pub - Principal Register (Initial exam)

2006-03-02 - Teas/Email Correspondence Entered

2006-02-23 - Communication received from applicant

2006-02-23 - TEAS Response to Office Action Received

2005-08-25 - Non-final action e-mailed

2005-08-25 - Non-Final Action Written

APPENDIX 70

2005-08-23 - Case file assigned to examining attorney

2005-02-03 - New Application Entered In Tram

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Joseph W. Berenato, III (Attorney of record)

JOSEPH W. BERENATO, III  
LINIAK, BERENATO 7 WHITE, LLC  
6550 ROCK SPRING DR STE 240  
BETHESDA, MD 20817-1173

**Phone Number:** (301) 896-0600

**Fax Number:** (301) 896-0607

**Domestic Representative**

Joseph W. Berenato, III

**Phone Number:** (301) 896-0600

**Fax Number:** (301) 896-0607

---

PTO Form 1957 (Rev 8/2005)

OMB Control #0651-0050 (Exp. 04/30/2006)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **78389392** has been amended as follows:

#### Argument(s)

In response to the substantive refusal(s), please note the following:

The Examining Attorney is thanked for the courtesy of discussing the instant application by telephone interview on December 23, 2005. Applicant respectfully requests reconsideration of the Final Refusal in light of the following remarks.

As discussed during the telephone interview, Applicant proposes to further amend the identification of goods to provide for "non-metal doors made from wood composite and solid wood components, **and not including railings, guardrails and handrails** in Class 19." (It does not appear that Applicant's previous amendment to the identification of goods by response June 27, 2005 was entered into the PTO website. Therefore, the PTO website indicates a current identification of goods of "non-metal doors").

The Examining Attorney maintains the refusal of the present application as being likely to cause confusion with the '882 registration for non-metallic railings, guardrails, handrails and banisters for use in and/or on buildings. Applicant's proposed amendment of the identification of goods specifically excludes such railings and guardrails. The owner of the '882 registration, American Vinyl Concepts d/b/a Avcon Corporation, does not sell solid wood doors, and there is no evidence that would suggest Avcon intends to manufacture or sell doors. Furthermore, the '882 registration does not cover doors.

Therefore, Applicant submits that its proposed amendment overcomes the refusal. There is no evidence suggesting that a non-metal door marketed under the mark "Cavalier" would create confusion in the marketplace as to its source. Applicant is currently using the mark, as noted in its website ([www.masonite.com](http://www.masonite.com)), and as set forth in pages from a catalog advertisement attached hereto. Note that the catalog has a copyright date of December 2004. Thus, Applicant has been using this mark for *at least* a year (if not longer), and is aware of no confusion being caused by such use. Reconsideration of the application in amended form is respectfully requested.

As suggested by the Examining Attorney, Applicant has not formally amended the identification of goods, but submits the proposed amendment in the remarks above for consideration by the Examining

APPENDIX 72

Attorney. Should the Examining Attorney withdraw the refusal, Applicant requests that the identification of goods be amended as noted above by Examiner's Amendment. Alternatively, Applicant can submit a supplemental response.

**Evidence**

Evidence in the nature of Catalog pages has been attached.

Evidence-1 [evi\_681638898-110912027\_.\_Catalog\_page\_10000000.jpg ]

Evidence-2 [evi\_681638898-110912027\_.\_Catalog\_page\_10000001.jpg ]

Evidence-3 [evi\_681638898-110912027\_.\_Catalog\_page\_10000002.jpg ]

Evidence-4 [evi\_681638898-110912027\_.\_Catalog\_page\_10000003.jpg ]

**Response Signature**

Signature: /William C. Schrot/ Date: 12/23/2005

Signatory's Name: William C. Schrot

Signatory's Position: Attorney

Back

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-07-05 15:26:10 ET**

**Serial Number: 78553761 Assignment Information**

**Registration Number: (NOT AVAILABLE)**

**Mark**

**CAPE COD**

**(words only): CAPE COD**

**Standard Character claim: Yes**

**Current Status: Application has been published for opposition.**

**Date of Status: 2006-05-09**

**Filing Date: 2005-01-25**

**The Information will be/was published in the Official Gazette on 2006-05-09**

**Transformed into a National Application: No**

**Registration Date: (DATE NOT AVAILABLE)**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 101**

**Attorney Assigned:**  
**CLARKE IDI A Employee Location**

**Current Location: 650 -Publication And Issue Section**

**Date In Location: 2006-03-30**

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

**1. Masonite International Corporation**

**Address:**

**APPENDIX 74**

Masonite International Corporation  
1600 Britannia Road East  
Mississauga, Ontario L4W 1J2  
Canada

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Canada

**Phone Number:** (905) 670-6550

**Fax Number:** (905) 670-6520

---

### GOODS AND/OR SERVICES

---

**International Class:** 006

**Class Status:** Active

Metal doors

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 019

**Class Status:** Active

Non-metal doors; door lites, side lites, transom lites in the nature of glass and plastic panels for doors and door areas; decorative glass for building

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

---

### ADDITIONAL INFORMATION

---

(NOT AVAILABLE)

---

### MADRID PROTOCOL INFORMATION

---

(NOT AVAILABLE)

---

### PROSECUTION HISTORY

---

2006-05-09 - Published for opposition

2006-04-19 - Notice of publication

2006-03-23 - Law Office Publication Review Completed

2006-03-17 - Assigned To LIE

2006-03-08 - Approved for Pub - Principal Register (Initial exam)

2006-03-02 - Teas/Email Correspondence Entered

APPENDIX 75



2006-02-23 - Communication received from applicant  
2006-02-23 - TEAS Response to Office Action Received  
2005-08-25 - Non-final action e-mailed  
2005-08-25 - Non-Final Action Written  
2005-08-23 - Assigned To Examiner  
2005-02-03 - New Application Entered In Tram

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Joseph W. Berenato, III (Attorney of record)

JOSEPH W. BERENATO, III  
LINIAK, BERENATO 7 WHITE, LLC  
6550 ROCK SPRING DR STE 240  
BETHESDA, MD 20817-1173

**Phone Number:** (301) 896-0600

**Fax Number:** (301) 896-0607

**Domestic Representative**

Joseph W. Berenato, III

**Phone Number:** (301) 896-0600

**Fax Number:** (301) 896-0607

---